



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 262-00  
10 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 7 June 1999. On 1 July 1999, you reported to sick call and complained of left shoulder pain. You stated that you had heard a "pop" in the shoulder the previous day, and that you had previously had the problem prior to boot camp. You also indicated that you were "double jointed". On 2 July 1999, you stated that you had felt both shoulders "pop out" while doing pull-ups. Physical examination revealed laxity in both shoulder joints. On 14 July 1999, you disclosed that your shoulders had "popped out" prior to your enlistment, but that you had not sought medical treatment for that condition, or disclosed it during your pre-enlistment physical examination. You were given a diagnosis of bilateral multidirectional shoulder instability, with recurrent subluxation, existed prior to enlistment. You were discharged from the Marine Corps on 26 July 1999, with an entry level separation, because of your incapability to train because of the shoulder condition. You did not object to the discharge at that time.

The Board was not persuaded that you were unfit for duty because of a physical disability which was incurred in or aggravated by your service in the Marine Corps. As indicated

above, your chronic bilateral shoulder instability existed prior to your entry. There is no indication in the available records that you sustained any significant trauma to your shoulders during your enlistment which aggravated the pre-existing instability beyond normal progression. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director